

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|------------------------|---|----------------------------|
| DARRYN W. BAKER, |) | |
| |) | No. CV-07-3031-JPH |
| Plaintiff, |) | |
| |) | ORDER GRANTING STIPULATION |
| v. |) | TO REMAND |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social |) | |
| Security, |) | |
| |) | |
| Defendant. |) | |

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 23). The parties have filed a recent consent to proceed before a magistrate judge. (Ct. Rec. 9).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge ("ALJ") will: (1) recontact Bonnie Hartman, M.D., if possible, and clarify whether she based her opinion on Plaintiff's substance use; (2) update the medical record; (3) assess the severity of all of Plaintiff's impairments; (4) reconsider the testimony of the medical expert, W. Scott

1 Mabee, Ph.D.; (5) reassess Plaintiff's residual functional
2 capacity; (6) obtain additional vocational expert testimony; and
3 (7) consider all vocational evidence of record.

4 Accordingly, this court reverses the Commissioner's decision
5 under sentence four of 42 U.S.C. § 405(g) with a remand of the
6 cause to the Commissioner for further proceedings. *See, Melkonyan*
7 *v. Sullivan*, 501 U.S. 89 (1991).

8 **IT IS FURTHER ORDERED:**

9 1. The parties' Stipulation for Remand (**Ct. Rec. 23**) is
10 **GRANTED.**

11 2. Judgment shall be entered for the **PLAINTIFF.**

12 3. An application for attorney fees may be filed by
13 separate motion.

14 4. The District Court Executive is directed to enter this
15 Order, forward copies to counsel, and thereafter shall **close** this
16 file.

17 **IT IS SO ORDERED.**

18 **DATED** this 18th day of January, 2008.

19
20 S/James P. Hutton

JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE